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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,441	11/20/2003	Rick E. Bollenbacher	BOC9-2003-0084 (452)	9839
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER WIENER, ERIC A	
			ART UNIT	PAPER NUMBER
			2179	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,441	Applicant(s) BOLLENBACHER ET AL.	
	Examiner Eric Wiener	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2008 has been entered.

2. Claims 1 – 4, 8, and 9 are pending in the case. Claim 1 is the independent claim. Claim 1 is the amended claim. Claims 5 – 7 and 10 – 20 have been cancelled. Claims 1 – 4, 8, and 9 have been rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. *This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any*

Art Unit: 2179

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US 6,366,302 B1) in view of Berstis et al. (US 5,896,132) and further in view of Ogawa et al. (US 6,529,218 B2).

As per independent claim 1, Crosby discloses *a method for indicating that a content page is scrollable (column 3, lines 39 – 40) comprising:*

- *displaying at least a portion of a content page within a display area of a graphical user interface (GUI), wherein said displayed portion of said content page occupies all of said display area (column 5, lines 7 – 19 and column 6, lines 8 – 20);*
- *determining whether the displayed content page is scrollable in at least one direction (column 5, lines 7 – 19 and column 6, lines 8 – 20);*
- *and responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction that said displayed content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page (column 5, lines 61 – 67 and column 6, lines 8 – 20), where the examiner has interpreted the “dynamic scroll indicator” to sufficiently function as a “flyover;”*

Art Unit: 2179

However, Crosby does not explicitly disclose that said at least one displayed flyover overlaps at least one among text content and image content shown in said displayed portion of said content page, and wherein said at least one displayed flyover is configured to occlude the at least one among text content and image content of the overlapped portion of said displayed portion of said content page.

Nevertheless, in an analogous art, Berstis discloses *at least one displayed flyover overlaps at least one among text content and image content shown in a displayed portion of a content page, and wherein said at least one displayed flyover is configured to occlude the at least one among text content and image content of the overlapped portion of said displayed portion of said content page* (column 5, line 46 – column 7, line 36), wherein it is disclosed that “more bars may be overlapped,” further wherein “more bars may contain text” and “may also contain graphical images.” Furthermore, it is disclosed that said more bars “may lie within the application space” of the GUI, wherein said application space has been interpreted as corresponding to the portion of content within the GUI display. Thus, it has been interpreted that such text and image content of a more bar shown may be overlapped and thus also occluded by another more bar, wherein such text and image content is shown in the displayed portion of the content of the GUI.

Both Crosby and Berstis pertain to the analogous art of presenting graphical scroll indicators within interfaces containing scrollable content. In addition, Berstis discloses that it is critical to provide such types of graphical scroll indicators so that a user is intrinsically informed that more information is available for viewing in a particular direction and also enabled to intuitively understand and operate such types of graphical scroll indicators (Berstis, column 2,

Art Unit: 2179

lines 1 – 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Berstis into the method of Crosby, because any data processing system, such as that of Crosby, would benefit from the addition of a simpler, more intuitive mechanism for scrolling a display, such as that disclosed by Berstis (Berstis, column 7, lines 59 – 62).

Crosby and Berstis do not explicitly disclose detecting an occurrence of a scroll event, and, responsive to said detection, discontinuing said display of said at least one flyover.

Nevertheless, in an analogous art, Ogawa discloses *detecting an occurrence of a scroll event, and, responsive to said detection, discontinuing the display of at least one flyover* (column 1, lines 10 – 13, 49 – 53).

Crosby, Berstis, and Ogawa all pertain to the analogous art of presenting graphical scroll indicators within interfaces containing scrollable content. Thus, each would look to the other for possible improvements or modifications to their inventions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ogawa into the method of Crosby and Berstis to develop a method for providing an indication that a content page is scrollable and closing said indication in response to a scroll event. The modification would have been obvious, because operating scrolling mechanisms in a graphical user interface can be complex for people unfamiliar with such interfaces. Thus, it is well known in the art that there is a need for providing a user interface that allows a user to be aware of all of the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3).

The examiner has interpreted the ability to move auxiliary information so as not to hide a newly appearing image to include the ability of moving said auxiliary information off the screen,

Art Unit: 2179

thus performing the operation of closing said auxiliary information. In addition, because one step of hiding the auxiliary information is already to initially delete said auxiliary information (column 7, lines 9 – 14), it would be obvious that when attempting to not hide newly appearing images, one possible option would be to close said auxiliary information, thus not only serving to not hide newly appearing information, but also serving to not hide **any** information. This would be an obvious ability that one of ordinary skill in the art designing the invention would include.

As per claim 2, and taking into account the rejection of claim 1, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a vertical direction, displaying a vertical flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to sufficiently function as displaying a vertical appearance if the page is vertically scrollable.

As per claim 3, and taking into account the rejection of claim 1, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a horizontal direction, displaying a horizontal flyover* (column 6, lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to sufficiently function as displaying a horizontal appearance if the page is horizontally scrollable.

As per claim 4, and taking into account the rejection of claim 1, Crosby further discloses *scrolling said displayed content page in said at least one scrollable direction* (column 6, lines 50

Art Unit: 2179

– 52), *wherein a position of said at least one flyover remains fixed during said scrolling step* (column 5, lines 63 – 65). The examiner has determined the fact that the dynamic scroll indicator is presented in one position throughout the illustrated embodiment sufficiently discloses that the position of said indicator is able to remain fixed while scrolling.

As per claim 8, and taking into account the rejection of claim 1, Crosby further discloses that *at least one among an appearance, a position, and a behavior of said at least one flyover is customized using a configuration editor* (column 2, lines 37 – 44 and column 12, line 50 – column 13, line 20), wherein it has been interpreted that the flyover's behavior, position, and appearance are all affected in a customized fashion according to use of the editor.

As per claims 9, and taking into account the rejection of claim 1, Crosby further discloses that *said at least one flyover is implemented on an operating system level as a generic GUI object* (column 5, lines 7 – 9, 61 – 63), where the examiner has interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently function as said indicator being implemented as a generic object of the graphical user interface on the operating system.

Response to Arguments

6. Applicant's arguments filed on 7/29/2008 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

Art Unit: 2179

Conclusion

7. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

8. *The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art. Newly cited art of particular importance includes, but is not limited to:*

- *Wagner (US 6,570,594 B1), column 5, line 40 – column 6, line 10*
- *Cline et al. (US 6,069,626), column 4, line 18 – column 5, line 37*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2179

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179